

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

RODNEY L. JACKSON,

Plaintiff,

v.

CIVIL ACTION NO. 5:09-cv-00560

FEDERAL BUREAU OF PRISONS, et al.,

Defendants.

**MEMORANDUM OPINION AND ORDER
ADOPTING PROPOSED FINDINGS AND RECOMENDATION**

On April 28, 2009, Plaintiff, acting pro se and formerly incarcerated at FCI Beckley in Beckley, West Virginia, filed his Complaint (Document 1) in this matter in the Middle District of Georgia claiming entitlement to relief pursuant to *Bivens v. Six Unknown Federal Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971). This case was subsequently transferred to this Court. (Documents 2 & 3). By Standing Order (Document 4) entered on May 19, 2009, this action was referred to the Honorable R. Clarke VanDervort, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). On April 19, 2012, the Magistrate Judge submitted Proposed Findings and Recommendation (“PF&R”) (Document 7), wherein it is recommended that this Court dismiss Plaintiff’s Complaint, and remove this matter from the Court’s docket.


The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation

to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir.1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir.1984). In addition, this Court need not conduct a de novo review when a party "makes general and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir.1982). Objections to the PF&R in this case were originally due by May 7, 2012. On May 9, 2012, the Court adopted the Proposed Findings and Recommendation and dismissed Plaintiff's Complaint. However, on June 6, 2012, the Court vacated the Memorandum Opinion and Order (Document 9) and Judgment Order (Document 10) and granted Plaintiff leave to file any objections to the Proposed Findings and Recommendation no later than June 22, 2012. (Document 13). Plaintiff failed to file any objections to the Magistrate Judge's PF&R.

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the Proposed Findings and Recommendation, and **ORDERS** that Plaintiff's Complaint be **DISMISSED** and that this matter be removed from the docket.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and to any unrepresented party.

ENTER: August 2, 2012


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA